

EXHIBIT C

1 Robert A. DePiano
2 State Bar Number 89341
3 187 Calle Magdalena, Suite 114
4 Encinitas, CA 92024
5 (760) 632-2636
6 (760) 632-2682 fax
7 depianolaw@roadrunner.com

8 Attorney for Plaintiff,
9 LIBERTY MEDIA HOLDINGS, LLC

10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 LIBERTY MEDIA HOLDINGS, LLC }

Case No. _____

13 Plaintiff,

**DECLARATION OF AARON
ANDERSON**

14 vs.

15 DAVID TRICE, John Doe 1, and
16 Does 2-50

17 Defendants }

18 I, Aaron Anderson, declare pursuant to 28 U.S.C. § 1746:

- 19 1. I am over the age of 18 and the information contained herein is based upon personal
20 knowledge.
- 21 2. On or about March 27, 2009, I found an advertisement posted by David Trice for a
22 DVD transfer service he offered for Corbin Fisher videos.
- 23 3. On March 27, 2009, I ordered DVDs from Defendant and paid with a credit card via
24 PayPal.
- 25 4. On or about April 10, 2009, I contacted Defendant and placed a second order for DVDs,
26 paying by personal check.
- 27 5. On or about April 13, 2009, I ordered three additional DVDs from Defendant.

28 ///

///

///

[Print](#) | [Close Window](#)

Subject: I will be sending payment of \$60.00 shortly for eBay item: Corbin Fisher Porn Collection Amateur Gay Porn (300303294443#)

From: Aaron Anderson <aarontanderson@hotmail.com>

Date: Fri, Mar 27, 2009 12:53 pm

To: <aaron@excelsiormedia.com>

Date: Fri, 27 Mar 2009 12:47:06 -0700

From: ebay@ebay.com

To: aarontanderson@hotmail.com

Subject: I will be sending payment of \$60.00 shortly for eBay item: Corbin Fisher Porn Collection Amateur Gay Porn (300303294443#)



eBay sent this message to Aaron Anderson (vball_aaron).
Your registered name is included to show this message originated from eBay. [Learn more.](#)

Sending Payment of \$60.00 - Your Copy

Dear adt4229,

**Continue
Shopping**

I will be sending payment of \$60.00 via Credit Cards shortly.

Thank You,
vball_aaron

Item #	Item Title	Quantity	Price	Amount
300303294443	<u>Corbin Fisher Porn Collection Amateur Gay Porn</u>	1	\$49.99	
				Subtotal: \$49.99
				Shipping and handling via US Postal Service Priority Mail Flat Rate Envelope: \$10.01
				Total: \$60.00

Please ship to the following address:

Aaron Anderson
3990 Centre ST
#304
San Diego, CA 92103 United States

[Learn More](#) to protect yourself from spoof (fake) emails.

eBay sent this email to you at aarontanderson@hotmail.com about your account registered on www.ebay.com.

eBay will periodically send you required emails about the site and your transactions. Visit our [Privacy Policy](#) and [User Agreement](#) if you have any questions.

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Subject: Thank You For Your Purchase on eBay

From: Aaron Anderson <aarontanderson@hotmail.com>

Date: Fri, Mar 27, 2009 12:57 pm

To: <aaron@excelsiormedia.com>

From: makemydvd@gmail.com

To: aarontanderson@hotmail.com

Subject: Thank You For Your Purchase on eBay

Date: Fri, 27 Mar 2009 14:53:37 -0500

Thank you for your recent purchase on eBay! We are looking forward to working with you and making your transaction as satisfactory as possible.

At your convenience, please let us know:

1. Your preferred method of payment? PayPal (which accepts credit cards) or Money Order/Certified Check through the mail. Please use this email address (MakeMyDVD@gmail.com) to make PayPal transactions, and please reference your eBay user name.
2. Any preferences regarding content? Specific titles, individuals, or just general preferences you would like us to look for. If making a list, we recommend making a list of 40 "must haves", then selecting 15 optional episodes and we will fit in what we can. (unless you are selecting TV DVD's, in which case select 21 must haves, and 5 alternates)
3. Your preferred address for shipping? eBay has it listed as:

Aaron Anderson
3990 Centre ST
#304
San Diego, CA 92103

Please don't hesitate to ask us any questions.

Thank you,
MakeMyDVD

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Subject: FW: Thank You For Your Purchase on eBay
From: Aaron Anderson <aarontanderson@hotmail.com>
Date: Tue, Mar 31, 2009 6:57 pm
To: <aaron@excelsiormedia.com>

From: makemydvd@gmail.com
To: aarontanderson@hotmail.com
Subject: Re: Thank You For Your Purchase on eBay
Date: Fri, 27 Mar 2009 17:27:50 -0500

Thank you. We will start working on your disks right away.

Thank you,
MakeMyDVD

From: Aaron Anderson
Sent: Friday, March 27, 2009 4:37 PM
To: makemydvd@gmail.com
Subject: RE: Thank You For Your Purchase on eBay

Hello,

Following is the information you requested:

1. Your preferred method of payment? I will be paying using my paypal account.
2. Any preferences regarding content? Of course! Here is a list of videos I would like from Corbin Fisher:
 - TJ Fucks Gage
 - Gage Fucks TJ Part 1, 2, and 3
 - Noah's First Time Part 1 and 2
 - Tagging Travis 2
 - Fucking Todd
 - Fucking Noah
 - Dante Fucks Lucas
 - Connor Fucks Noah
 - Strip Poker Part 1, 2, and 3
 - Zeke Fucks Travis
 - Connor Fucks Derek
 - Fucking Austin Part 1 and 2
 - Lucas Fucks Travis
 - Trent Fucks Noah
 - Lucas Fucks Dylan
 - Cade Fucks Dante
 - Connor's First Time
 - Fucking Connor
 - Lucas Fucks Austin
 - Trevor Fucks Joel
 - Austin's First Time
 - Fucking Ian
 - Owning Ian
 - Heath Fucks Jared
 - Jared's Tag Team

Will Fucks Derek
Derek Fucks Jeff
Dawson Fucks Jeff
Kip & Dawson Unscripted
Travis Fucks Jared
Cade Fucks TJ
Dawson Fucks Travis
Fucking Travis
TJ Fucks Jeff

Here is a list of optional videos I would like to see if possible:

Dylan
Zeke
Connor
Derek & Trevor's Flip Flop
Logan's Tag Team
Blowing Connor
Brent Fucks Trent
Derek Fucks Jared
Best Buds Get Tagged
Blowing Charlie
Nick's Massage
Gabe Fucks Logan
Jeff Fucks TJ
Gabe Fucks Trevor
Derek Blows Gage

3. Your preferred address for shipping? My shipping address is:

Aaron Anderson
3990 Centre ST
#304
San Diego, CA 92103

Thanks!
Aaron Anderson
vball_aaron from eBay

From: makemydvd@gmail.com
To: aarontanderson@hotmail.com
Subject: Thank You For Your Purchase on eBay
Date: Fri, 27 Mar 2009 14:53:37 -0500

Thank you for your recent purchase on eBay! We are looking forward to working with you and making your transaction as satisfactory as possible.

At your convenience, please let us know:

1. Your preferred method of payment? PayPal (which accepts credit cards) or Money Order/Certified Check through the mail. Please use this email address (MakeMyDVD@gmail.com) to make PayPal transactions, and please reference your eBay user name.

2. Any preferences regarding content? Specific titles, individuals, or just general preferences you would like us to look for. If making a list, we recommend making a list of 40 "must haves", then selecting 15 optional episodes and we will fit in what we can. (unless you are selecting TV DVD's, in which case select 21 must haves, and 5 alternates)

3. Your preferred address for shipping? eBay has it listed as:

Aaron Anderson

3990 Centre ST
#304
San Diego, CA 92103

Please don't hesitate to ask us any questions.

Thank you,
MakeMyDVD

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[Print](#) | [Close Window](#)**Subject: FW: Your Order Has Shipped****From: Aaron Anderson <aarontanderson@hotmail.com>****Date: Tue, Mar 31, 2009 6:58 pm****To: <aaron@excelsiormedia.com>**

From: makemydvd@gmail.com
To: aarontanderson@hotmail.com
Subject: Your Order Has Shipped
Date: Sat, 28 Mar 2009 13:26:57 -0500

We appreciate your recent transaction. Your Customized DVD has been shipped via the US Postal Service using Priority Mail. Your tracking number is: 0103 8555 7495 0987 7643

You may track your package at this link: http://www.usps.com/shipping/trackandconfirm.htm?from=home_header&page=trackandconfirm

We value your business and hope your experience was a pleasant one. If you liked our service, we would be happy to assist you in the future; if you enjoyed the product, tell your friends!

Special Offers:

- ReOrder - Additional Disks from the same content site are only \$20 each during the subscription period (plus \$5 flat shipping) (TV DVDs are priced at 3 disks for \$40 +shipping)
- Be A Buddy - Pass the word along to your friends; any order placed within 90 days, and referencing your email will entitle you to \$10 off your next order!
- Do It Again - Brand new content orders placed direct via email receive \$5 off (for example, SC or CF would be only \$55)

We can also work with many other content providers. Feel free to submit your request and we will research it and provide a quote.

Please let us know if you have any questions or issues; comments and suggestions are also welcome.

Thank you,
MakeMyDVD

If you have any trouble viewing your DVD, we recommend the following items:

1. Ensure your Windows Media Player is version 11. You can download the latest version for free from Microsoft. <http://www.microsoft.com/windows/windowsmedia/player/default.aspx>

2. Update your Codecs. Codecs are used by the producers of media to prepare their file. If you use the latest version of Windows Media Player, it will assist you in finding the Codecs you need. <http://www.microsoft.com/windows/windowsmedia/player/faq/codecs.msp>

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Subject: FW: Shipment Tracking and Order Status Provided for Transaction ID:81162511XC0568219 (Routing Code: C840-L001-Q-T)

From: Aaron Anderson <aarontanderson@hotmail.com>

Date: Tue, Mar 31, 2009 6:59 pm

To: <aaron@excelsiormedia.com>

> Date: Sat, 28 Mar 2009 19:56:55 -0700
> Subject: Shipment Tracking and Order Status Provided for Transaction ID:81162511XC0568219 (Routing Code: C840-L001-Q-T)
> To: aarontanderson@hotmail.com
> From: service@paypal.com
>
> Dear Aaron Anderson,
>
> Regarding the transaction below:
>
> Seller's Name: A D Trice
> Seller's Email: MakeMyDVD@gmail.com
> Transaction ID: 81162511XC0568219
> Transaction Date: Mar. 27, 2009 14:49:24 PDT
> Transaction Amount: \$60.00 USD
>
> The seller has provided the following Shipment Tracking Information for your review:
>
> Shipping Company: USPS
> Shipment Tracking Number: 0103 8555 7495 0987 7643
>
> The seller has provided the following Order Status information for your review:
>
> Order Status: Shipped
>
> The seller is providing this feature through the PayPal website as a means for communicating this information to you. Please note that the Shipment Tracking Information and Order Status displayed above is exactly as the seller entered it.
>
> If you have questions about this transaction, PayPal encourages you to directly contact the seller to amicably resolve any outstanding questions you might have.
>
> Sincerely,
> PayPal
>
>
> -----
> PROTECT YOUR PASSWORD
>
> NEVER give your password to anyone, including PayPal employees. Protect yourself against fraudulent websites by opening a new web browser (e.g. Internet Explorer or Netscape) and typing in the PayPal URL every time you log in to your account.
>
>
> -----
>
> Please do not reply to this email. This mailbox is not monitored and you will not receive a response. For assistance, log in to your PayPal account and click the Help link in the top right corner of any PayPal page.
>
> PayPal Email ID PP513
>

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Subject: FW: I will be sending payment of \$60.00 shortly for eBay item: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067#)
From: Aaron Anderson <aarontanderson@hotmail.com>
Date: Fri, Apr 10, 2009 10:22 am
To: <aaron@excelsiormedia.com>

Date: Fri, 10 Apr 2009 10:21:24 -0700
From: ebay@ebay.com
To: aarontanderson@hotmail.com
Subject: I will be sending payment of \$60.00 shortly for eBay item: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067#)



eBay sent this message to Aaron Anderson (vball_aaron).
Your registered name is included to show this message originated from eBay. [Learn more.](#)

Sending Payment of \$60.00 - Your Copy

Dear adt4229,

Continue Shopping

I will be sending payment of \$60.00 via Money Order/CashierCheck shortly.

Thank You,
vball_aaron

Item #	Item Title	Quantity	Price	Amount
300305794067	<u>Corbin Fisher Porn Collection Amateur Gay Porn</u>	1	\$49.99	
Subtotal:				\$49.99
Shipping and handling via US Postal Service Priority Mail Flat Rate Envelope:				\$10.01
Total:				\$60.00

Please ship to the following address:

Aaron Anderson
3990 Centre ST
#304
San Diego, CA 92103 United States

I will send payment to the following address:

ADT
PO Box 700882
Dallas, TX 75370 Stati Uniti

[Learn More](#) to protect yourself from spoof (fake) emails.

eBay sent this email to you at aarontanderson@hotmail.com about your account registered on www.ebay.com.

eBay will periodically send you required emails about the site and your transactions. Visit our [Privacy Policy](#) and [User Agreement](#) if you have any

questions.

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[Print](#) | [Close Window](#)**Subject:** FW: eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)**From:** Aaron Anderson <aarontanderson@hotmail.com>**Date:** Fri, Apr 10, 2009 7:01 pm**To:** <aaron@excelsiormedia.com>**From:** makemydvd@gmail.com**To:** aarontanderson@hotmail.com**Subject:** Re: eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)**Date:** Fri, 10 Apr 2009 16:13:02 -0500

As a prior Customer, you can come directly to us to purchase additional content.

And since you are still within your 30 day subscription period, so you can get additional disks for much less.

If you prefer to keep the transaction as is, we of course can accommodate you; but we wanted to let you know you could save money.

If you would like 2 additional CF disks, they would only be \$45 during the subscription period - instead of the \$60 for a brand new order.

We can cancel the eBay transaction if you would prefer to go that route.

Please let us know how you would like to proceed. Our PayPal address is:

MakeMyDVD@gmail.com

Thank you,
MakeMyDVD

From: eBay**Sent:** Friday, April 10, 2009 12:08 PM**To:** makemydvd@gmail.com**Subject:** eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)

eBay sent this message to D Trice (adt4229).

Your registered name is included to show this message originated from eBay. [Learn more.](#)

Congratulations, your item sold! Send an invoice now.

Dear adt4229,

Congratulations! The following item just sold:

Corbin Fisher Porn Collection Amateur Gay Porn

Sale price:	\$49.99
Quantity sold:	1
Quantity remaining:	4
Subtotal:	US \$49.99

Get Paid

Send Invoice

Click to send an invoice to the buyer.

Shipping and handling: \$10.01
Insurance (per item): (not offered)
Sales tax: (none)
[View item](#) | [Go to My eBay](#) | [Relist](#) | [Sell another item](#)

Details for Item number: 300305794067

Item URL: <http://cm.ebay.com/cm/ck/1065-29323-2357-0?uid=107890429&site=0&ver=EOISSA080805&item=300305794067&lk=URL>

Sale Date: Friday, Apr 10, 2009 10:08:48 PDT

Listing format: Fixed Price

Buyer: vball_aaron (aarontanderson@hotmail.com) [[contact buyer](#)]

Buyer's shipping address Aaron Anderson
3990 Centre ST
#304
San Diego, CA 92103 United States
(Please confirm with buyer that the address is correct)

Your payment instructions: If paying by mail: please use US Postal Service Money Order or Major Bank Cashier's Check - BofA, WellsFargo, Chase, WaMu. (prefer NO Western Union) Since items are being purchased on your behalf, no returns can be accepted. We will work with you to replace damaged DVDs.

**Marketplace Safety Tip**

- Protect yourself from spoof (fake) emails and Web sites. Take the [Spoof Tutorial](#) to learn about eBay Toolbar with Account Guard, which warns you when you are on a known spoof site.

Learn how you can protect yourself from spoof (fake) emails at:

<http://pages.ebay.com/education/spooftutorial>

This eBay notice was sent to adt4229 from eBay based on your account preferences. Your account is registered on www.ebay.com. As outlined in our User Agreement, eBay will periodically send you information about site changes and enhancements. To unsubscribe from this notice, change your [notification preferences](#). Please note that it may take up to 10 days to process your request. If you would like to receive this email in text format, change your [notification preferences](#).

See our Privacy Policy and User Agreement if you have questions about eBay's communication policies.

Privacy Policy: <http://pages.ebay.com/help/policies/privacy-policy.html>

User Agreement: <http://pages.ebay.com/help/policies/user-agreement.html>

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Subject: FW: eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)
From: Aaron Anderson <aarontanderson@hotmail.com>
Date: Fri, Apr 17, 2009 2:31 pm
To: <aaron@excelsiormedia.com>

From: makemydvd@gmail.com
To: aarontanderson@hotmail.com
Subject: Re: eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)
Date: Fri, 17 Apr 2009 10:13:42 -0500

Your payment arrived. We will start working on your order right away.

Thank you,
MakeMyDVD

From: Aaron Anderson
Sent: Monday, April 13, 2009 4:31 PM
To: makemydvd@gmail.com
Subject: RE: eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)

I'm sending a payment of \$60.

Thanks

From: makemydvd@gmail.com
To: aarontanderson@hotmail.com
Subject: Re: eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)
Date: Mon, 13 Apr 2009 16:08:24 -0500

Yes, once we receive the payment, we can prepare you TV DVDs. We will fit as many of the titles below onto the disks as possible.

Can you please confirm how much you are sending?

Thank you,
MakeMyDVD

From: Aaron Anderson
Sent: Monday, April 13, 2009 2:43 PM
To: makemydvd@gmail.com
Subject: RE: eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)

Hello,

Is it possible to purchase one of the TV DVD's you mentioned in your ad on ebay?

Here's a list of the episodes I would like:

Josh's First Time

Noah Fucks Derek
Ty
Fucking Zeke
Elijah's First Time
Connor Fucks Noah
Troy
Fucking Hayden
Alex Fucks Brent
Vince
Cade Fucks Connor
Fucking Cole
Jeff Fucks Austin
Brett
Joel Fucks Aaron
Jeremy
Trey's First Time
Alex Fucks Connor
Hayden's First Time
Fucking Darin
Cade Fucks Todd
Cole's First Time
Joel Fucks Austin
Josh
Zeke's First Time

I'm mailing you the payment today.

Thanks!
Aaron

From: makemydvd@gmail.com
To: aarontanderson@hotmail.com
Subject: Re: eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)
Date: Fri, 10 Apr 2009 16:13:02 -0500

As a prior Customer, you can come directly to us to purchase additional content.

And since you are still within your 30 day subscription period, so you can get additional disks for much less.

If you prefer to keep the transaction as is, we of course can accommodate you; but we wanted to let you know you could save money.

If you would like 2 additional CF disks, they would only be \$45 during the subscription period - instead of the \$60 for a brand new order.

We can cancel the eBay transaction if you would prefer to go that route.

Please let us know how you would like to proceed. Our PayPal address is:
MakeMyDVD@gmail.com

Thank you,
MakeMyDVD

From: [eBay](#)

Sent: Friday, April 10, 2009 12:08 PM

To: makemydvd@gmail.com

Subject: eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)



eBay sent this message to D Trice (adt4229).

Your registered name is included to show this message originated from eBay. [Learn more.](#)

Congratulations, your item sold! Send an invoice now.

Dear adt4229,

Congratulations! The following item just sold:



Corbin Fisher Porn Collection Amateur Gay Porn

Sale price: \$49.99
Quantity sold: 1
Quantity remaining: 4
Subtotal: US \$49.99
Shipping and handling: \$10.01
Insurance (per item): (not offered)
Sales tax: (none)

[View item](#) | [Go to My eBay](#) | [Relist](#) | [Sell another item](#)

Get Paid

Send Invoice

Click to send an invoice to the buyer.

Details for Item number: 300305794067

Item URL: <http://cm.ebay.com/cm/ck/1065-29323-2357-0?uid=107890429&site=0&ver=EOISSA080805&item=300305794067&lk=URL>

Sale Date: Friday, Apr 10, 2009 10:08:48 PDT

Listing format: Fixed Price

Buyer: vball_aaron (aarontanderson@hotmail.com) [[contact buyer](#)]

Buyer's shipping address Aaron Anderson
3990 Centre ST
#304
San Diego, CA 92103 United States
(Please confirm with buyer that the address is correct)

Your payment instructions: If paying by mail: please use US Postal Service Money Order or Major Bank Cashier's Check - BofA, Wells Fargo, Chase, WaMu. (prefer NO Western Union) Since items are being purchased on your behalf, no returns can be accepted. We will work with you to replace damaged DVDs.



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<http://pages.ebay.com/education/spooftutorial>

This eBay notice was sent to adt4229 from eBay based on your account preferences. Your account is registered on www.ebay.com. As outlined in our User Agreement, eBay will periodically send you information about site changes and enhancements. To unsubscribe from this notice, change your [notification preferences](#). Please note that it may take up to 10 days to process your request. If you would like to receive this email in text format, change your [notification preferences](#).

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Privacy Policy: <http://pages.ebay.com/help/policies/privacy-policy.html>

User Agreement: <http://pages.ebay.com/help/policies/user-agreement.html>

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Subject: FW: eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)

From: Aaron Anderson <aarontanderson@hotmail.com>

Date: Tue, Apr 21, 2009 4:27 pm

To: <aaron@excelsiormedia.com>

From: makemydvd@gmail.com

To: aarontanderson@hotmail.com

Subject: Re: eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)

Date: Sat, 18 Apr 2009 11:05:15 -0500

Actually, based on the running time of all the other episodes you selected, it puts it 1 episode over.

(not counting the 3 solos below)

Thank you,
MakeMyDVD

From: MakeMyDVD

Sent: Saturday, April 18, 2009 10:42 AM

To: Aaron Anderson

Subject: Re: eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)

On some of the guys, there are multiple guys with the same name. Can you confirm which guy you want?

Jeremy
Troy
Vince

If you could describe them, or link to their page?

Thank you,
MakeMyDVD

From: Aaron Anderson

Sent: Monday, April 13, 2009 4:31 PM

To: makemydvd@gmail.com

Subject: RE: eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)

I'm sending a payment of \$60.

Thanks

From: makemydvd@gmail.com

To: aarontanderson@hotmail.com

Subject: Re: eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)

Date: Mon, 13 Apr 2009 16:08:24 -0500

Yes, once we receive the payment, we can prepare you TV DVDs. We will fit as many of the titles below onto the disks as possible.

Can you please confirm how much you are sending?

Thank you,
MakeMyDVD

From: Aaron Anderson

Sent: Monday, April 13, 2009 2:43 PM

To: makemydvd@gmail.com

Subject: RE: eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)

Hello,

Is it possible to purchase one of the TV DVD's you mentioned in your ad on ebay?

Here's a list of the episodes I would like:

Josh's First Time
Noah Fucks Derek
Ty
Fucking Zeke
Elijah's First Time
Connor Fucks Noah
Troy
Fucking Hayden
Alex Fucks Brent
Vince
Cade Fucks Connor
Fucking Cole
Jeff Fucks Austin
Brett
Joel Fucks Aaron
Jeremy
Trey's First Time
Alex Fucks Connor
Hayden's First Time
Fucking Darin
Cade Fucks Todd
Cole's First Time
Joel Fucks Austin
Josh
Zeke's First Time

I'm mailing you the payment today.

Thanks!
Aaron

From: makemydvd@gmail.com

To: aarontanderson@hotmail.com

Subject: Re: eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)

Date: Fri, 10 Apr 2009 16:13:02 -0500

As a prior Customer, you can come directly to us to purchase additional content.

And since you are still within your 30 day subscription period, so you can get additional disks for much less.

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If you would like 2 additional CF disks, they would only be \$45 during the subscription period - instead of the \$60 for a brand new order.

We can cancel the eBay transaction if you would prefer to go that route.

Please let us know how you would like to proceed. Our PayPal address is:

MakeMyDVD@gmail.com

Thank you,
MakeMyDVD

From: eBay

Sent: Friday, April 10, 2009 12:08 PM

To: makemydvd@gmail.com

Subject: eBay Item Sold: Corbin Fisher Porn Collection Amateur Gay Porn (300305794067)



eBay sent this message to D Trice (adt4229).

Your registered name is included to show this message originated from eBay. [Learn more.](#)

Congratulations, your item sold! Send an invoice now.

Dear adt4229,

Congratulations! The following item just sold:

Corbin Fisher Porn Collection Amateur Gay Porn

Sale price:	\$49.99
Quantity sold:	1
Quantity remaining:	4
Subtotal:	US \$49.99
Shipping and handling:	\$10.01
Insurance (per item):	(not offered)
Sales tax:	(none)
<u>View item Go to My eBay Relist Sell another item</u>	

Get Paid

Send Invoice

Click to send an invoice to the buyer.

Details for item number: 300305794067

Item URL:	<u>http://cm.ebay.com/cm/ck/1065-29323-2357-0?uid=107890429&site=0&ver=EOISSA080805&item=300305794067&lk=URL</u>
Sale Date:	Friday, Apr 10, 2009 10:08:48 PDT
Listing format:	Fixed Price
Buyer:	vball_aaron (<u>aarontanderson@hotmail.com</u>) [<u>contact buyer</u>]
Buyer's shipping address	Aaron Anderson 3990 Centre ST #304

San Diego, CA 92103 United States

(Please confirm with buyer that the address is correct)

Your payment instructions: If paying by mail: please use US Postal Service Money Order or Major Bank Cashier's Check - BofA, WellsFargo, Chase, WaMu. (prefer NO Western Union) Since items are being purchased on your behalf, no returns can be accepted. We will work with you to replace damaged DVDs.



Marketplace Safety Tip

- Protect yourself from spoof (fake) emails and Web sites. Take the [Spoof Tutorial](#) to learn about eBay Toolbar with Account Guard, which warns you when you are on a known spoof site.

Learn how you can protect yourself from spoof (fake) emails at:

<http://pages.ebay.com/education/spoof/tutorial>

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See our Privacy Policy and User Agreement if you have questions about eBay's communication policies.

Privacy Policy: <http://pages.ebay.com/help/policies/privacy-policy.html>

User Agreement: <http://pages.ebay.com/help/policies/user-agreement.html>

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[Print](#) | [Close Window](#)

Subject: FW: Your Order Has Shipped

From: Aaron Anderson <aarontanderson@hotmail.com>

Date: Tue, Apr 21, 2009 4:25 pm

To: <aaron@excelsiormedia.com>

From: makemydvd@gmail.com
To: aarontanderson@hotmail.com
Subject: Your Order Has Shipped
Date: Tue, 21 Apr 2009 14:11:41 -0500

We appreciate your recent transaction. Your Customized DVD has been shipped via the US Postal Service using Priority Mail. Your tracking number is: 0103 8555 7496 9798 6745
You may track your package at this link: http://www.usps.com/shipping/trackandconfirm.htm?from=home_header&page=trackandconfirm

We value your business and hope your experience was a pleasant one. If you liked our service, we would be happy to assist you in the future; if you enjoyed the product, tell your friends!

Special Offers:

- Be A Buddy - Pass the word along to your friends; any order placed within 90 days, and referencing your email will entitle you to \$10 off your next order!

We can also work with many other content providers. Feel free to submit your request and we will research it and provide a quote.

Thank you,
MakeMyDVD

Copyright © 2003-2009. All rights reserved.

EXHIBIT D

1 Robert A. DePiano
2 State Bar Number 89341
3 187 Calle Magdalena, Suite 114
4 Encinitas, CA 92024
(760) 632-2636
(760) 632-2682 fax
depianolaw@roadrunner.com

5 Registered In-House Counsel for
6 LIBERTY MEDIA HOLDINGS, LLC

7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 LIBERTY MEDIA HOLDINGS, LLC }

Case No. _____

11 Plaintiff,

**DECLARATION OF MAT
JOHNSONBAUGH**

12 vs.

13 DAVID TRICE, John Doe 1, and
14 Does 2-50

15 Defendants

16 I, Mat Johnsonbaugh, declare pursuant to 28 U.S.C. § 1746:

17 1. I am over the age of 18 and the information contained herein is based
18 upon personal knowledge.

19 2. I have been actively working in the film & video and industry since
20 1990.

21 3. From 1990 to present day I have worked as a freelance videographer
22 and editor. During this time I produced, directed, edited and nationally distributed
23 the documentary *Unknown Empire*. Other work during this time included corporate
24 videos for companies such as Xerox, SAIC, Celltech, Hoffend, TENCO, and a
25 volunteer orientation video for the Rochester Philharmonic Orchestra.

26 4. My role in the work for Xerox, the Rochester Philharmonic Orchestra,
27 and other clients included writing, directing, shooting, editing, and motion graphics
28 design.

1 5. Typical equipment for filming during this time included: Professional
2 and prosumer camcorders; including such video formats as BetaSP, DVCAM,
3 MiniDV, and DVCPRO HD. In addition to using video for acquisition, I have also
4 used 16mm and 8mm film. I have experience in a live switching production
5 environment, where the three cameras on location are synchronized to the main
6 recording unit, and coordinated by the director of the shoot; I have both shot and
7 directed such events.

8 6. Typical hardware and software I used during this time for editing and
9 motion graphics included: Prior to the advent of non linear digital editing, I used
10 linear editing equipment, such as the Panasonic AG1950 VTRs, Sony BetaSP editing
11 VTRs, associated edit controllers, hardware, and character generation devices. In the
12 digital domain, I use Avid Media Composer, Media 100, Final Cut Pro, Adobe After
13 Effects, Apple Motion, Apple Color, Combustion, Commotion, Adobe Illustrator,
14 Adobe Photoshop, SoundEdit 16, Pro Tools, Soundtrack Pro, Cinema 4D, 3D Studio
15 Max, Lightwave 3D, Maya, SynthEyes, Episode, Media Cleaner, Compressor, and
DVD Studio Pro.

16 7. In 1995 I began attending the Rochester Institute of Technology and
17 received my B.F.A. in film and video in 1998.

18 8. I received my M.F.A. in computer graphics design with a concentration
19 in motion graphics from the Rochester Institute of Technology in 2000.

20 9. My education at Rochester Institute of Technology included specialized
21 training in a number of areas such as: Technical practices and creative
22 implementation of lighting, sound, cinematography, videography, editing, and
23 design. Postgraduate studies allowed me to further refine my undergraduate work
24 and parlay my skills into more sophisticated work. Armed with an understanding of
25 visual semiotics, and an evolved arsenal of design skills, I use my technical
26 knowledge to traverse the challenging landscape that is digital media production and
27 design.
28

1 10. In 2000 I began working for Xerox Corporation in the Global
2 Knowledge and Language Services division, doing motion graphics design,
3 multimedia, and video production—including animation, video work and audio
4 work.

5 11. Work in this division included certain public relations work, covering
6 events for Xerox, webcasts on Xerox's global intranet, and promotional DVD's for
7 other divisions of Xerox.

8 12. Typical equipment, software, hardware, and other programs I utilized at
9 my position at Xerox include: BetaSP camcorders, Avid Media Composer, Adobe
10 After Effects, Flash, Combustion, Commotion, Adobe Illustrator, Adobe Photoshop,
11 SoundEdit 16, Pro Tools, Soundtrack Pro, 3D Studio Max, Lightwave 3D, Media
Cleaner, and Dreamweaver.

12 13. In 2002 I began work at Coombs Media, an ad agency in Rochester,
13 New York.

14 14. My work at Coombs media included heavy motion graphics design,
15 video direction, and art direction.

16 15. My work with Coombs included making creative training media for
17 companies, promotional videos and videos on CD-ROM to be used in conjunction
18 with sales demos for a variety of clients in the energy, food and pharmaceutical
19 fields.

20 16. In 2003 I began working for Kadix Systems, a government
21 subcontractor in Washington, D.C. as the creative director, supervising a team of 4
22 additional persons.

23 17. At Kadix, I led my team in the creation of foreign language training
24 products for FBI field agents.

25 18. My work there included interactive design, the creation of companion
26 printed media, interface design, graphic design, editing and compression of video,
27 and motion graphics design. Additionally, I worked as a videographer for company
28 events and created presentations to be distributed to employees on DVD.

1 19. Typical equipment, software, hardware, and other programs I utilized at
2 my position at Kadix include: MiniDV camcorders were used for all video
3 acquisition. Final Cut Pro, Adobe After Effects, Apple Motion, Adobe Illustrator,
4 Adobe Photoshop, Soundtrack Pro, 3D Studio Max, Maya, Compressor, DVD Studio
5 Pro, Director, and Dreamweaver.

6 20. In 2006, I began working at Liberty Media Holdings, LLC (LMH) as a
7 videographer, editor, DVD author, graphic designer, and motion graphics designer.

8 21. My work here includes videography, editing, post-production, sound
9 design, DVD menu design and animation, DVD authoring, graphic design for DVD
10 packaging, creative direction, conceptualization, and technical advising for video
11 production and post production equipment upgrade path.

12 22. Typical equipment, software, hardware, and other programs I utilize at
13 my position at LMH include: HDV and DVCPROHD camcorders are used for
14 shooting. For software, I use Final Cut Pro, P2CMS, Adobe After Effects, Apple
15 Motion, Apple Color, Adobe Illustrator, Adobe Photoshop, Soundtrack Pro, Cinema
16 4D, SynthEyes, Episode, Compressor, and DVD Studio Pro.

17 23. There is a lot of work and many different stages involved in the creation
18 of DVDs for LMH. In addition to assembling cast and crew, finding the location and
19 set, and actually shooting the scenes—all costly and time consuming work in its own
20 right—a lot of work must be done afterwards.

21 24. LMH exercises a high degree of control over the technical quality of its
22 works as well as the packaging, duplication, manufacture, and distribution of each
23 work in order to promote and protect the identity and value of the CORBIN
24 FISHER® brand and relevant trademarks.

25 25. All footage shot must then be edited. After editing, the resulting footage
26 must be transcoded to MPEG2, or converted to a format that can be distributed to our
27 DVD-viewing customers. This process involves many hours of optimization in order
28 to ensure a final product that is pleasing to a paying customer.

1 26. After the scenes are transcoded, the DVD authoring process begins,
2 utilizing DVD Studio Pro. This process includes assigning chapter markers to each
3 scene, placing scenes into the DVD project file, and linking markers to the menus,
4 which are created separately and externally.

5 27. A separate menu program must be created, which includes designing the
6 layout and navigation, animation, and rendering, as well as incorporation of the
7 CORBIN FISHER® branding. This is done with Adobe After Effects, and other
8 associated software applications.

9 28. Each menu requires further work as they are created in usually 4
10 languages: English, Spanish, German and French. Further programming is required
11 so that it can be compatible with an individual's DVD player and automatically
12 select the correct language.

13 29. Once the markers have been linked to the menu, a one-off is created so
14 that it can be tested and previewed on a DVD player.

15 30. After the preview phase is complete and all problems have been fixed, it
16 is time to send the entire work to a DVD replication service and prepare artwork for
17 packaging.

18 31. The DVD replication service prepares a proof content copy to be
19 reviewed by LMH for final approval, after which the disc is pressed and a glass-
20 mastered DVD-R is created so that the DVD will be universally compatible.

21 32. The artwork is usually created on a 4-panel or 6-panel DigiPak template,
22 and careful consideration is used when selecting what images are included in the
23 final design, as well as the incorporation of specific branding and logos for the DVD
24 packaging. Special printing techniques are incorporated as well, from embossing to
25 spot UV printing, and some DVDs include a special glossy picture booklet
26 companion to the DVD.

27 33. It is LMH's typical custom and practice to place orders for 2000 copies
28 of a work being created on DVD format.

1 34. LMH then works with both national distributors here in the United
2 States as well as in Europe for the sale and distribution of its DVDs.

3 35. On October 7, 2009, at LMH's facilities, I reviewed the DVDs received
4 from Defendant David Trice, which included 5 separate DVD batches of 65 separate
5 LMH works. I reviewed each DVD received from Defendant on a Sharp AQU05S
6 flat screen television. To review Batch 1 and 2, I used a Intel MacPro, and to review
7 Batch 3 and 4, I used a Samsung Blu-ray and DVD player.

8 36. Batch 1 consists of the following LMH works that I reviewed: Connor,
9 Blowing Connor, Derek and Trevor's Flip Flop, Logan's Tag Team, Fucking Noah,
10 Noah's First Time Part 1, Noah's First Time Part 2, Strip Poker Part 1, Strip Poker
11 Part 2, Strip Poker Part 3, TJ Fucks Gage, TJ Fucks Jeff, Fucking Todd, Travis Fucks
12 Jared, Fucking Travis, Tagging Travis II, Trent Fucks Noah, Trevor Fucks Joel, Will
Fucks Derek, Zeke, and Zeke Fucks Travis.

13 37. Batch 2 consists of the following LMH works that I reviewed: Fucking
14 Austin Part 1, Fucking Austin Part 2, Austin's First Time, Cade Fucks Dante, Cade
15 Fucks TJ, Connor Fucks Derek, Connor's First Time, Fucking Connor, Connor
16 Fucks Noah, Dante Fucks Lucas, Dawson Fucks Jeff, Dawson Fucks Travis, Derek
17 Fucks Jeff, Gage Fucks TY Part 1, Gage Fucks TJ Part 2, Heath Fucks Jared,
18 Fucking Ian, Owing Ian, Jared's Tag Team, Kip and Dawson Unscripted, Lucas
19 Fucks Austin, Lucas Fucks Dylan.

20 38. Batch 3 consists of the following LMH works that I reviewed: Alex
21 Fucks Brent, Fucking Cole Part 1, Fucking Cole Part 2, Elijah's First Time,
22 Hayden's First Time, Fucking Zeke.

23 39. Batch 4 consists of the following LMH works that I reviewed: Brett,
24 Cade Fucks Connor, Cade Fucks Todd, Fucking Darin, Joel Fucks Aaron, Josh,
25 Josh's First Time, Fucking Hayden.

26 40. Batch 5 consists of the following LMH works that I reviewed: Cole's
27 First Time, Connor Fucks Noah, Joel Fucks Austin, Noah Fucks Derek, Trey's First
28 Time, Ty, and Zeke's First Time.

1 41. The DVDs arrived in a clear cd jewel case with no packaging, and no
2 effort to incorporate LMH branding.

3 42. I was unable to play the DVDs containing Batch 1 and 2 in the DVD
4 player. Upon further investigation I found that the files on these 2 disks were in
5 .wmv format, and only playable on a computer.

6 43. The files contained on this disc are exact copies of videos contained on
7 the CORBIN FISHER ® website, and are therefore not up to the visual standards of
8 the DVDs released by LMH.

9 44. The physical resolution is comparable to a DVD, however the image is
10 of inferior quality and unsightly macroblocking is highly visible during playback.
11 Visually, it is subjectively comparable to the low-end VHS format..

12 45. Batches 3-5 were compatible with a DVD player. There is no branding
13 incorporated into the DVD menus, and the CORBIN FISHER® mark is never shown
14 in the font or color displayed on Defendant's DVDs.

15 46. The menu design is a standard consumer grade Apple iDVD menu,
16 available on consumer DVD creation software. It is poorly designed and is not
17 representative of the professional standards used by LMH.

18 47. The actual works shown on the DVDs are mixes new LMH works with
19 old.

20 48. There are no additional language options available on Defendant's
21 DVDs.

22 49. The visual display on batches 3-5 is not comparable to our DVDs. The
23 online content was compounded on the DVD. Macroblocking appears on the models
24 and walls, and the frame rate may be inconsistent, which causes 'stuttering' of the
25 content.

26 ///

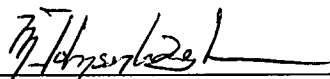
27 ///

28 ///

///

1 50. Based upon the above descriptions and my review of the physical
2 DVDs, packaging, and works contained therein, the DVDs received from Defendant
3 reflect negatively on the CORBIN FISHER® brand and give the impression that
4 LMH produces low-budget, low-quality DVDs.

5 Executed on October 9, 2009 in San Diego, California.
6

7 
8 _____
9 Mat Johnsonbaugh
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ORIGINAL

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Liberty Media Holdings, LLC

(b) County of Residence of First Listed Plaintiff San Diego County

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Robert A. DePiano, SBN 89341; Phone: 760-632-2636
187 Calle Magdalena, Ste. 114, Encinitas, CA 92024

DEFENDANTS

David Trice, John Doe 1, and Does 1-50

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACounty of Residence of First Listed Defendant Dallas County

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

09 CV 2 284 W

POR

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

17 U.S.C. §§ 101 et seq. 15 U.S.C. § 1125

Brief description of cause:

Copyright Infringement, Trademark Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

\$9,900,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

October 14, 2009

FOR OFFICE USE ONLY

RECEIPT #

6273

AMOUNT

350.00

APPLYING IFP

JUDGE

MAG. JUDGE

QR

MS 10/14/09

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Court Name: USDC California Southern
Division: 3
Receipt Number: CAS006273
Cashier ID: msweeney
Transaction Date: 10/14/2009
Payer Name: LIBERTY MEDIA

CIVIL FILING FEE
For: LIBERTY MEDIA V DAVID TRICE
Case/Party: D-CAS-3-09-CV-002284-001
Amount: \$350.00

CHECK
Check/Money Order Num: 5008
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00

There will be a fee of \$45.00
charged for any returned check.